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Interview Summary: The undersigned appreciates the opportunity for telephone interview with Examiner Thompson on 15 December 2005, as arranged by telephone to Examiner on 14 December 2005. Specific agreement was not reached on 15 December 2005 but it is believed that Examiner Thompson understood the rationale for the claims, which were sent by Proposed Amendment B sent by fax on 14 December 2005, in that each of the claims now more specifically clarifies the point of novelty relative to the Ikeda-Ercan-Ball combination.

Status of Claims:

Claims 1-4, 6-15, and 17-33 are in the application.

With reference to the Office action of September 20, 2005, Applicant amends claims 1, 12, 23-27 and 29-33. In view of the amendments, claims 5 and 16 are cancelled. No new matter is added in that language is drawn from claims heretofore presented, including claims 5 and 16, and generally, for example, from page 15, line 25 et seq., and to page 20, beginning in line 26, and so also reference previously made in the prior amendment to page 17, lines 24-26; and to page 4, lines 7-12, the added language being implicit from the description set forth in the specification.

Cited Art and §103 Issues: The primary references relied upon by Examiner are Ikeda 6,057,946 in view of Ercan 6,240,217 taken with the technical reference *Sams Teach Yourself Linux in 24 Hours*, by Bill Ball and Stephen Smoogen, copyright 1998, Sams Publishing and Red Hat Press ("Ball"). Thus, the combination relied upon is Ikeda-Ercan-Ball.

With the amendments in each of claims 1, 12, 23-27 and 29-33, it is clarified that the tertiary data is calculated from the primary and secondary data. This feature is not disclosed or

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implied in Ikeda nor Ercan nor Ball, and combining the prior art references will not make the present invention obvious either.

Take claim 1 as representative (although the same limitation has not been added and appears in each of 1, 12, 23-27 and 29-33). Applicant points out that, specifically, it is clear in amended claim 1 that the tertiary data is obtained by actually calculating the dissimilarity between the primary and the secondary data. The tertiary data cannot be obtained if the dissimilarity between the primary and secondary data could not be actually calculated. This is because the gradation information that would be lost from the image is different, according to what picture is in each image. Thus, claim 1 sets forth the feature:

a dissimilarity calculating unit for calculating  
dissimilarity between the primary data and the secondary data  
according to each position of each pixel.

In comparison, the look-up table (LUT) in Ikeda and the algorithm in Ercan is not replaceable with the tertiary data in the present invention, because the lost information cannot be found from the LUT in Ikeda nor the algorithm in Ercan as directly as one can in the tertiary data. This is for the reason that the LUT in Ikeda is intended to be adaptable to the characteristics of printers, and the LUT is decided beforehand. Ikeda's LUT 25 is merely used for adjusting the density of an output image to that of an original image for printing an image by a laser printer.

This means that the LUT in Ikeda does not actually calculate the specific difference between the primary and secondary data. There would be no reason to do so and accordingly Ikeda provides no suggestion to the skilled artisan comparable to the present invention in the claims as amended.

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The algorithm in Ercan is something that must be performed according to a process set beforehand, but that is quite different from, and does not include, actually calculating the primary and tertiary data.

Therefore, the present invention, as represented by the amended claims, is not disclosed or implied in the prior art references. The Ikeda-Ercan-Ball combination fails to provide an incentive to the person having ordinary skill in the art to combine those references in a way which would lead such skilled artisan to the present invention.

Moreover, the present invention has a further advantageous effect from storing the primary and tertiary information, in that 1) it can reproduce an average image data based on the primary data only, and 2) it can reproduce image data having a large amount of gradation information data, based on the primary and tertiary data.

Summary: Accordingly, each of claims 1, 12, 23-27 and 29-33, including each of the remaining claims directly or ultimately dependent from claims 1, 12, 23-27 and 29-33, is submitted properly to be patentable in the application as the art, considered by itself apart from the invention of Applicants (and without recourse to hindsight interpretation, which could not be proper). The Ikeda-Ercan-Ball combination fails to provide to the person having ordinary skill in the art at the time of the present invention the features set forth in claims 1-4, 6-15, and 17-33 of the present application.

It is believed that the foregoing resolves all remaining issues, that the application is in good order for allowance, and that a Notice of Allowance should be issued.

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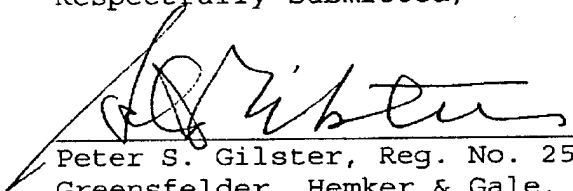
If Examiner believes there is any remaining issue, which could be readily resolved or other action could be taken to advance this application, such as Examiner's amendment or interview by telephone or in person, it is requested that Examiner please telephone the undersigned, who will cooperate to advance prosecution.

The undersigned believes that no fees are due with this response, as the claim count (but less two cancelled claims) and type of claims remains. But if necessary to effect a timely response, this paper should be considered as a petition for extension of time of length sufficient to be considered timely.

Any fees required are authorized to be charged to Deposit Account No. 07-1985.

Respectfully submitted,

19 Dec, 2005  
Date

  
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Attachments: Transmittal with Certificate of Fax Transmission  
Response To Office Action And Amendment Transmittal

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